

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

ALVORD INVESTMENTS, LLC,

Plaintiff,

Vs.

No. 2:09-cv-02072-tmp

**THE HARTFORD FINANCIAL SERVICES
GROUP, INC., and TWIN CITY FIRE
INSURANCE COMPANY,**

Defendants.

DEFENDANTS' MOTION TO DISMISS COMPLAINT

Defendants Twin City Fire Insurance Company ("Twin City") and The Hartford Financial Services Group, Inc. ("Hartford Financial"), through their undersigned attorneys, hereby move to dismiss with prejudice the complaint of plaintiff Alvord Investments, LLC ("Alvord") pursuant to Federal Rules of Civil Procedure 12(b)(6) and 12(b)(1). In support of this Motion, defendants state as follows:

1. Alvord's complaint fails to state a claim upon which relief can be granted because the Directors & Officers insurance policy unambiguously excludes coverage for claims by franchisees or that are related to franchise contracts, such as the arbitration Demand filed by Dynamic Growth Partners. Alvord's complaint seeking coverage for the Demand must therefore be dismissed, because it is clear from the face of the D&O Policy that no coverage exists for the Demand.

2. Alvord's claims against Hartford Financial must be dismissed for the additional reason that Alvord had no contract with Hartford Financial. Alvord's D&O Policy was with

Twin City, not Hartford Financial. Because Alvord therefore has no standing to pursue claims against Hartford Financial, its claims against Hartford Financial should also be dismissed for lack of subject matter jurisdiction.

3. In support of this Motion, Twin City and Hartford Financial file herewith their Memorandum in Support.

WHEREFORE, Twin City and Hartford Financial respectfully request that this Court dismiss Alvord's complaint with prejudice.

Dated: April 15, 2009

Respectfully submitted,

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